



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

October 26, 2000

Matthew D. Crosby
Attorney at Law
1800 Century Boulevard
Suite 1150
Atlanta, GA 30345

00-R-1609

RE: King Two Enterprises, Inc.

Dear Attorney Crosby:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 26, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 2337
10/16/00
8:35 PM

Atlanta City Council

Regular Session

MUTIPLE CLAIMS WITH FAVORABLE/Unfavor recommend
ITEMS 1-29
ADOPT
00-R-1609

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	E Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MUTIPLE

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0082

Date: September 21, 2000

Claimant /Victim KING TWO ENTERPRISES, INC.

BY: (Atty) Matthew D. Crosby

Address: 1800 Century Boulevard, Suite 1150, Atlanta, Georgia 30345

Subrogation: _____ Claim for Property damage \$ 30,000.00 Bodily Injury \$ _____

Date of Notice: 02/05/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5	X	Ante Litem (6 Mo.)	X
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Date of Occurrence 11/11/98 Place: 1686 Cecile Avenue, SE

Department Planning, Development and Neighborhood Conservation Division: Housing Demolition

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was wrongfully demolished by the City. The claimant has rejected the City's settlement offer and has filed a lawsuit to resolve the issues raised in this claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures	Diagrams	Reports: Police	Dept Report	X	Other
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Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice	More than Six Months	Other	X	Damages reasonable
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City not involved	Offer rejected	X	Compromise settlement
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Repair/replacement by Ins. Co. Repair/replacement by City Forces

Repair/Replacement by Insr. Co.		Repair/Replacement by City Forces	
Claimant Negligent	City Negligent	Joint	Claim Abandoned
_____	_____	_____	_____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ ~~Adverse~~ X ~~Account charged:~~ 1A01 2J01 2H01

Claims Manager: Mike L. Smith Concur/date 09-21-08

Committee Action: _____ Council Action _____

DAVID U. CROSBY & ASSOCIATES
ATTORNEYS AT LAW

DAVID U. CROSBY

MATTHEW D. CROSBY

1800 CENTURY BOULEVARD
SUITE 1150
ATLANTA, GEORGIA 30345

PH: (404) 633-4200
FAX: (404) 320-9200
MCROSBYLAW@AOL.COM

02-05-99 04:09 NOV9

February 3, 1999

ENTERED - 2-16-99 - SB
99L0082 - DIANNE MITCHELL

Ms. Diane Mitchell
Atlanta City Council
Attention: Municipal Clerk
55 Trinity Avenue
Atlanta, Georgia 30335

RE: *King Two Enterprises, Inc., -vs- City of Atlanta.*
Demolition of 1686 Cecile Avenue, Atlanta, GA 30032.

Dear Ms. Mitchell:

Please be advised that this office has been retained by Mr. Nathaniel Solomon, President of King Two Enterprises, Inc., (hereinafter "King Two") in the above-referenced matter. The purpose of this letter is to officially notify you of King Two's claim against the City of Atlanta, pursuant to O.C.G.A. § 36-33-5.

King Two Enterprises, Inc., purchased the above-referenced property on February 2, 1998 from a Ms. Theresa Gurley. The property had been damaged in a fire before King Two purchased it, but still remained structurally sound.

In the next seven (7) months from this purchase date, King Two began preparing to renovate the house by removing burned debris, thoroughly cleaning the premises, and preparing written blueprints of intended repairs that were to be completed on the house.

On November 11, 1998, the City of Atlanta completely demolished the house located at 1686 Cecile Avenue, City of Atlanta, DeKalb County, Georgia 30032 without notifying King Two, the record owner. The City of Atlanta was negligent in failing to provide proper notice of this demolition and such negligence has caused King Two injury in the amount of \$35,000, which is approximately the fair-market value of the house at time of demolition.

Specifically, the City of Atlanta did not comply with the notice requirements of O.C.G.A. § 41-2-12 (f) when it failed to file a notice of lis pendens with the Clerk of the Superior Court in DeKalb County, Georgia with regards to the above-referenced property. This failure to comply on the part of the City of Atlanta was both the actual and proximate cause of King Two's injury.

Accordingly, King Two is entitled to recover damages resulting from the City of Atlanta's

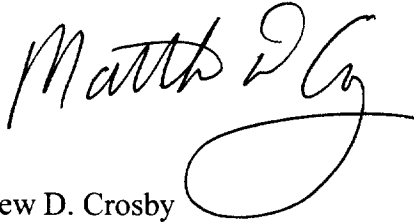
Mitchell
02/15/99
[Signature]

Ms. Diane Mitchell
February 3, 1999
Page 2

negligence, including, but not limited to the fair-market value of the house at the time of demolition and all costs of this action, including reasonable attorney's fees.

Upon receipt of this notice, you have thirty (30) days to consider and act upon this claim pursuant to O.C.G.A. § 36-33-5 (c).

Please guide yourself accordingly,

A handwritten signature in black ink, appearing to read "Matthew D. Crosby". The signature is fluid and cursive, with a large, looping flourish at the end.

Matthew D. Crosby
Attorney at Law

cc: Nathaniel Solomon

00- -1609

Entered - 02/16/99 - sb
CL99L0082 - DIANNE C. MITCHELL

CLAIM OF: KING TWO ENTERPRISES, INC.,
through its attorney,
Matthew D. Crosby
1800 Century Boulevard
Suite 1150
Atlanta, Georgia 30345

00- R -1609

For damages alleged to have been sustained as a result of the demolition
of property at 1686 Cecile Avenue, SE on November 11, 1998.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Regular Report Agenda

ADVERSED BY
CITY CLERK OCT 16 2000

ADVERSE REPORT

cc: P.S. & L.A.

10/16/00
V- [Signature]

[Signature]
[Signature]
[Signature]

